REMARKS

Claims 1-26 are pending in the case. All claims stand rejected. In the present submission, claims [Claims] have been amended. Applicants have also amended the specification to correct typographical errors. Reconsideration is respectfully requested.

Drawings Amendments

The Examiner objected to the drawings because "a management system" of claim 1 is not shown in the figures. Applicant submits that "a management system" of claim 1 is shown in Figure 1 as indicated by reference numerals 20 and described in paragraph [0026] of Applicant's specification: "In the embodiment shown in Figure 2, management system 20 includes processor elements 24A to 24C and a management network 22 connecting to the managed devices and the processor elements."

Nevertheless, in the present submission, Applicant has amended Figure 2 to include a dotted box around the management network 22 and the processor elements 24A to 24C to indicate the management system 20. Accordingly, withdrawal of the drawing objection is respectfully requested.

The attached replacement sheet includes changes to Figure 2 and replaces the original sheet including the same figure.

Claim Objections

Claim 14 is objected to by the Examiner because of informalities. In the present submission, claim 14 has been amended as required by the Examiner. Withdrawal of the claim objection of claim 14 is respectfully requested.

§112 Rejection

Claims 1 and 8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully traverses the rejection.

With regard to claim 1, the Examiner contends that the claim terms "a management system coupled to a first and a second network element" and "a management network coupled

to the first and second network elements" are unclear. Applicant submits that claim 1 is definite and meets the requirement of §112 at least for the following reasons.

Claim 1 recites in the preamble a "management system coupled to a first and a second network element connected to a data communication network." As shown in Figure 2, a management system 20 is coupled to a first and a second network element (18A, 18B). The first and second network elements 18A, 18B are in turn connected to a data communication network 10. Then, in the body of the claim, claim 1 recites "a management network coupled to the first and second network elements." The use of "the" with reference to "first and second network elements" in this claim clause makes it necessary that these network elements are the same network elements referred to in the preamble of the claim. As shown in Figure 2, a management network 22 is coupled to the first and second network elements 18A, 18B. Thus, the preamble of claim 1 defines that the overall management system is coupled to the first and second network elements and the body of the claim further defines that it is the management network *of the management system* that is coupled to these same network elements. Accordingly, claim 1 is well defined and meets the requirement under §112.

With regard to claim 8, claim 8 depends from claim 1. Claim 1 recites that the management system comprises "a processor element" – just one processor element. Then claim 8 recites that "the management system comprises a plurality of processor elements." Thus, claim 8 expands the management system of claim 1 to multiple processor elements. Claim 8 further define the processor element of claim 1 is a first processor element of the plurality of possessor elements. The "first processor element" has further claim limitation in claim 9. To further clarify the claim, claim 8 has been amended to recite "**where** the processor element of claim 1 **is** a first processor element of the plurality of possessor elements." Accordingly, claim 8 meets the requirement under §112.

For the above reasons, withdrawal of the §112 rejection of claims 1 and 8 is respectfully requested.

§103(a) Rejection

Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blewett (U.S. Patent 6,526,448 B1) in view of the Admitted Prior Art of Figure 1. With regard to the independent claims 1 and 15, the Examiner contends that Blewett in Figure 4 and associated description describes all limitations of the claims except that Blewet transmits "management transactions" from a "customer client 130, not from a network manager." The Examiner relies on the Admitted Prior Art for disclosing a network manager 12 being used to monitor network element 14. Applicant respectfully traverses the rejection.

Blewett describes a resource management scheme for a content provider in a computer network (see Blewett, col. 1, lines 7-8). More specifically, Blewett describes providing a *pseudo proxy server* "for a host network when the host network experiences periods of congestion. The host network determines whether an arrival rate of data requests exceeds a predetermined threshold. If so, the host network adds an address of a pseudo proxy server to a list of servers aliased to the host network. Thereafter, **data requests are routed to the pseudo proxy server on a round robin basis**: (See Abstract of Blewett, emphasis added).

Blewett is concerned primarily with resource management to allow a host network to "provide server resources to a content provider in a manner that ebbs and flows with the demand for service from the provider's site." Blewett is concerned with being able to dedicate "new servers to host sites in real-time with escalating demand." (See Blewett, col. 1, lines 23-35.)

Blewett is NOT concerned with management functions of network elements. Rather, Blewett uses the pseudo proxy server as backup to the pool of servers in a host network where the pseudo proxy server "provide service to customer requests immediately" (Blewett, col. 2, lines 1-7.) In operation, the pseudo proxy server provides service on behalf of the host network. The pseudo proxy server receives customer requests for data and either provides data that it has stored thereon in response to the "data request" from the client or requests data from the host network when it does not have valid data stored thereon. (See, generally, Blewet, col. 2, line 67, to col. 3, line 5; col. 3, line 66, to col. 4, line 19.) Thus, the pseudo proxy server operates *in parallel* with the servers in the host network to provide overflow

support. The pseudo proxy server operates merely to provide the requested data for a client. Pseudo proxy server does not perform any network management functions.

Claim 1

Claim 1, as originally filed, recites:

> 1.   A management system coupled to **a first and a second network element connected to a data communication network and being managed by a network manager** also connected to the data communication network, the management system comprising:
> a management network coupled to the first and second network elements, the management network supporting a standardized network interface; and
> a **processor element** coupled to the management network and communicating with the first and second network elements through the management network, the processor element being capable of processing management transactions,
> wherein **a first management transaction** is transmitted to the first network element **and a second management transaction** is transmitted to the second network element **from the network manager through the data communication network, the first and second management transactions are transmitted through the management network to the processor element,** and the processor element **processes the first and second management transactions on behalf of the first and the second network elements** respectively. (Emphasis added.)

Claim 1 is patentable over Blewett and the Admitted Prior Art at least for the following reasons.

In the present Office Action, the Examiner applies Blewett to the elements of claim 1 as follows:

a management system – Figure 4 of Blewett;

a management network – proxy network 240;

first and second network elements – content servers 112-118 in host network 210;

a processor element – a selected proxy server, such as 242;

management transactions – customer requests for information or data requests; and

a data communication network – Internet 200.

The Examiner recognizes the deficiency of Blewett as applied to claim 1. The Examiner recognizes that the "management transactions [in] Blewett is transmitted from customer client 130, not from a network manager. The Examiner then cites Applicant's Admitted Prior Art of Figure 1 for describing a network manager 12 for performing management functions to ensure that the data network is operating at the desired performance level. (See Office Action, p. 5, citing Applicant's specification, paragraph [0004].) The Examiner contends that "it would be obvious to one skilled in the art to use the network manager taught by the admitted prior art to transmit management transactions to the host network 110, wherein the management transactions are processed by the proxy server 120 on behalf of the host network 110 when the host network 110 is experiencing network congestion." (See Office Action, p. 5.)

Blewett <u>does not</u> teach or suggest the limitations of claim 1 at least for the following reasons.

First, in the claimed invention of claim 1, the management system is a "dedicated **backend** management system" (Applicant's specification, paragraph [0019], emphasis added). As shown in Figure 2, the management system 20 is formed on the backend of the network elements 18A-18D. The processor elements 24A-24C are configured to communicate with the network elements 18A-18D through the management network 22 only. Claim 1 recites that "a first management transaction is transmitted to the first network element and a second management transaction is transmitted to the second network element from the network manager through the data communication network, the first and second management transactions are transmitted **through the management network** to the processor element." That is, the management transactions are first provided to the network elements through the data network. Then, the network elements provides the management transactions to the processor element in the management system through the management network.

Blewett, to the contrary, provides a proxy network 240 that is **parallel** to the host network including content servers 112 to 118. Pseudo proxy server 242 in the proxy network 240, once activated due to escalated demands, operates in parallel with the content servers 112 to 118 and receives data requests directly from the data network. The data requests directed to pseudo proxy server 242 are NOT sent to the content server 112 to 118 at all. (See

Blewett, col. 3, lines 16-31.) Proxy network 240 is NOT a backend network to the content servers. More importantly, proxy network 240 is **NOT the management network** as the proxy network 240 is not coupled to the network elements (content servers 112-118) in Blewett.

Therefore, Blewett, as applied by the Examiner, fails to teach or suggest at least "a management network" as recited in claim 1 and also fails to teach or suggest the limitation of claim 1 where "a first management transaction is transmitted to the first network element and a second management transaction is transmitted to the second network element from the network manager through the data communication network, the first and second management transactions are transmitted through the management network to the processor element."

To meet these limitations of claim 1, Blewett has to cause client 220 (Figure 4) to send data requests through data network 200 first to content servers 112-118. And then content servers 112-118 have to forward the data requests to the pseudo proxy servers 241-246 in the proxy network 240. But in Blewett, because the proxy network 240 is a parallel network to the host network 210 and there is no communication between content servers 112-118 and proxy network 240, *NO* management transactions can be sent from the content servers (the network elements) to the pseudo proxy server (processor elements) through the proxy network (the management network).

Blewett, as construed by the Examiner, actually *teaches away* from claim 1. As contended by the Examiner, Blewett teaches providing a parallel network rather than a backend network, Blewett teaches coupling the management network directly to the data network for the processor elements to receive the management transactions directly. The configuration of the system in Blewett is completely contradictory to the management system of claim 1.

Second, the reason that Blewett describes a completely contradictory system than the management system of claim 1 is that Blewett is in fact NOT directed to network management but rather to managing data traffic in a data network. Blewett concerns only with providing backup server functions for a host network. Blewett does not teach or describe "a processor element…capable of processing management transactions" or first and second

"management transactions" being transmitted from the network manager to the network elements.

"Management transactions" are not merely data traffic between two networks but rather, are specific network management communications. Management transactions are described in Applicant's specification, paragraph [0024] as "management requests issued by the network manager intended for one or more of the hardware network elements for instructing the hardware network elements to perform certain management specific functions, such as data collection, hardware reconfiguration or transmitting notifications." Blewett describes transmission of data requests and information content such as news, or articles (see Blewett, col. 4, lines 20-35). The data requests and information content of Blewett are not management transactions within the meaning of claim 1.

It is imperative to note that applicant may be his or her own lexicographer as long as any special meaning assigned to a term is sufficiently clear in the specification. See, e.g., MPEP §2111.01. Since Applicant fully describes the meaning of the terms such as "network elements", "network manager" and "management transactions" in Applicant's specification and these claim terms are given specific meanings, the claim limitations of claim 1 cannot be met by generic network elements or content servers and generic network configurations, such as that disclosed in Blewett. Any prior art cited against the claimed invention of claim 1 must involve a system for supporting the *management* of a data network, not just merely managing the data traffic of the data network.

Third, even if the Admitted Prior Art is combined with the network configuration of Blewett for transmitting management transactions to content servers 112-118 in host network 210, the resulting network still does not form the management system as recited in claim 1. This is because proxy network 240 (being the management network) is not coupled to the content servers 112-118 (being the network elements) as recited in claim 1. Even if there is a network manager coupled to Internet 200 (being the data communication network) to transmit management transactions to content servers 112-118, those management transactions are NOT sent to content servers 112-118 first and then transmitted to the pseudo proxy server 242 (being the processor element) through the proxy network 240 (being the management network). Instead, in Blewett, the management transactions will be sent directly to proxy

network 240 from the Internet 200. Accordingly, the combination of Blewett and the Admitted Prior Art still <u>does not</u> meet all the limitations of claim 1.

In summary, the Examiner has not established a prima facie case of obviousness of claim 1 because not all claim limitations of claim 1 are taught or suggested by the cited references and also because the cited reference Blewett actually teaches away from the present invention. Claim 1 is therefore patentable over the cited references.

Claims 2-14

Claims 2-14, dependent upon claim 1, are patentable over the cited references at least for the same reasons claim 1 is patentable.

Claim 15

Claim 15 is patentable over the cited references at least by reciting "coupling the managed network element to a processor element through a management network," "a management transaction transmitted by a network manager over a data communication network and designated for a managed network element connected to the data communication network" and "providing the management transaction to the processor element" and "transmitting a message from the processor element to the managed network element in response to and in accordance with the management transaction." For the same reasons stated above with reference to claim 1, claim 15 is patentable over Blewett, alone or in combination with the Admitted prior art. Blewett <u>does not</u> teach or suggest a method for processing a management transaction. Blewett is concerned only with providing backup support for managing data traffic for a host network of content servers.

Claims 16-26

Claims 16-26, dependent upon claim 15, are patentable over the cited references at least for the same reasons claim 15 is patentable.

For the above reasons, claims 1-26 are patentable over the cited references. Withdrawal of the §103(a) rejection of the claims is respectfully requested.

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CONCLUSION

Claims 1-26 are pending in the present application. In the present submission, claims 8 and 14 have been amended. For the reasons stated above, claims 1-26 are patentable over the cited references. The application is therefore in condition for allowance. If the Examiner would like to discuss any aspect of this application, the Examiner is invited to contact the undersigned at (408) 382-0480.

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Respectfully submitted,

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